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CLERK OF COURT  
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
DISTRICT OF CALIFORNIA

Defendant  
CALIFORNIA DEPT  
OF CORRECTIONS

CV-07-4967 PSH/KS

TO THE

IN THE ABOVE ENTITLED COURT, IN THE ABOVE ENTITLED CAUSE OF ACTION, PLAINTIFF  
MOVES THIS COURT FOR AN ORDER FOR APPOINTMENT OF COUNSEL TO REPRESENT  
PLAINTIFF AT STATE EXPENSE DURING THE PENDENCY OF THIS CASE, AND REQUEST  
FOR REIMBURSEMENT OF COSTS.

THE MOTION IS BASED ON THE GROUNDS THAT PLAINTIFF IS A PERSON WITH LIMITED  
FINANCIAL MEANS AND IS UNABLE TO AFFORD THE COSTS OF COUNSEL FOR THE  
PENDING LITIGATION.

1) PLAINTIFF REQUESTS THAT THE COURT GRANT THE

2). Plaintiff has been housed in administrative segregation for 100% of the time since 10/1/2017. With litigation pending plaintiff is being housed in administrative segregation for 100% of the time.

[illegible][illegible]

Associate WALTER McBride, of the New York State Division of Criminal Investigation, New York City, advised that the following information was obtained from a review of the files of the New York State Division of Criminal Investigation:

MANIFESTO OF ANTI-DEMOCRATIC SOCIALISM  
CONCERNING THE PROPOSED CONSTITUTION

1 And proceedings, also violated or interfered with  
 2 state or federal regulations or policies, or any other  
 3 title 16, section 3122(a) which shall be deemed to be  
 4 not in any way retaliatory against the plaintiff for  
 5 for initiating a lawsuit.

6 The citizens' rights claim is claimed to be based  
 7 at this moment, to exhaust administrative remedies  
 8 for the deliberate indifference by state institutions.

9 6) Prison officials have denied or interfered with  
 10 deprive the plaintiff of the right to receive  
 11 to receive access to legal assistance, and  
 12 also access to prison law library, 311 Mich. 2d 1005;  
 13 767 F.2d 1443, 1447 (9th Cir. 1985) for the  
 14 violated by denial of legal assistance, and library access.

15 Alston v. DeBary, 13 F.3d 1005, 1006 (9th Cir. 1994)  
 16 (citing Alston v. DeBary, 13 F.3d 1005, 1006 (9th Cir. 1994))  
 17 (citing Alston v. DeBary, 13 F.3d 1005, 1006 (9th Cir. 1994))  
 18 (citing Alston v. DeBary, 13 F.3d 1005, 1006 (9th Cir. 1994))  
 19 (citing Alston v. DeBary, 13 F.3d 1005, 1006 (9th Cir. 1994))

20 Walters v. Thompson, 615  
 21 F. Supp. 330, 340, (N.D. Ill. 1986). Walters v. Thompson also have no access  
 22 to a state library. Walters v. Thompson, 615 F. Supp. 330, 340, (N.D. Ill. 1986).  
 23 Walters v. Thompson, 615 F. Supp. 330, 340, (N.D. Ill. 1986).  
 24 time for courts' consideration of briefs in  
 25 to Walters v. Thompson Access to courts claim, ch. code of regulations,  
 26 title 16, section 3122(a); 311 Mich. 2d 1005, 1006 (9th Cir. 1994).  
 27 Walters v. Thompson, 615 F. Supp. 330, 340, (N.D. Ill. 1986).  
 28 Walters v. Thompson, 615 F. Supp. 330, 340, (N.D. Ill. 1986). § 7, 11,

1 And 17.

2 It is plaintiff's belief that he has a constitutional right to  
3 access to the courts and relief in Dext v. West Virginia, 129 U.S.  
4 114, 327 F.2d 623, 9 S.Ct. 2070. "Due process of law is intended  
5 to serve citizens against arbitrary deprivation by the government of  
6 rights relating to life, liberty, or property." 14 Packer v. Banton,  
7 216 U.S. 137, 10-24, 21 S.Ct. 500 (1941) "Prisoners have a fundamental  
8 right to adequate, effective, and meaningful access to the courts  
9 to challenge violations of their constitutional rights." Martinez v.  
10 Gomez, 150 F.3d 1038 (4th Cir. 1999), aff'd, 2000 WL 1000000.  
11 to the courts, not only to challenge administrative actions  
12 but also to seek relief from the courts. Phillips, 164 F.  
13 3d 313, "Prisoners clearly have a right - constitutionally protected -  
14 to access to the courts and to challenge their confinement."  
15 Access to the courts, 100 F.3d 1038, 100 F.3d 1038, 100 F.3d 1038  
16 deprivation."

17 7).

18 For the above reasons, plaintiff believes that he is entitled to  
19 state court to represent him during the proceedings of the court.  
20 Plaintiff submits that he is entitled to his constitutional right to  
21 of the agency of the court. Plaintiff of conviction after filing this  
22 this civil action (pending) and a civil complaint against state (and)  
23 government officials and officials.

24 8). Plaintiff further believes, that without a preliminary injunction  
25 from the court, to prohibit the continued unconstitutional actions  
26 inflicted by K.J. Donovan from officials, and the court.  
27 Plaintiff will not be able to prove that he is entitled to a  
28

1 continue to violate the rights of plaintiff, plaintiff will likely  
2 suffer irreparable harm, If the court does not issue a preliminary  
3 Injunction, the threat of harm, that plaintiff faces, outweighs  
4 any harm that the preliminary Injunction will cause prison  
5 officials. A preliminary Injunction will serve as to not prejudice  
6 Plaintiff and the outcome of these procedures and proceedings.

7 Felix v. McCarthy, 939 F.2d 649, (9th Cir. 1991) It is not  
8 the degree of Injury which makes out a violation of the 8th  
9 Amendment, Rather it is the use of official force or authority  
10 that is intentional, unjustified, brutal, and offensive to  
11 human dignity.  
12  
13  
14  
15  
16

17 Dated: July 16, 2008.

Robert E. Brown  
Clerk of the Court

Wherefore, with good cause having been shown:

It is so ordered:

The Warden of R.J. Donovan Correctional Facility is ordered to comply with all court orders, while plaintiff is in state custody. And allow plaintiff access to Law Library or provide plaintiff with a skilled trained legal assistance, at state expense, during the pendency of this litigation.

It is further ordered, that a preliminary injunction be issued to the California Department of Corrections, to prevent all and any further like violation of plaintiff's civil rights by agents of the CDCR, in this cause of action, during the pendency of this litigation.

IT IS SO ORDERED

Dated: \_\_\_\_\_

United States District Court

VERIFICATION

1. I have read the entire deposition of Kevin Brown.

2. I am a resident of the State of California.

3. I have read the entire deposition of Kevin Brown.

I declare under penalty of perjury that the foregoing is true and correct.

Subscribed and sworn to before me this 1st day of July, 2008.

Kevin Brown  
Kevin Brown

# **Exhibit**

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## IONS AND REHABILITATION

## TITLE 15

## HISTORY:

1. Repealer and new section filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).

## Article 6. Legal Documents

## 3160. Inmate Access to Courts.

(a) Inmate access to courts shall not be obstructed. Staff shall assist illiterate inmates or those physically incapable of preparing forms adopted under rules of the United States courts and the Judicial Council of California for petitions for habeas corpus or modification of custody if such an inmate requests assistance. Staff shall not in any way retaliate against or discipline any inmate for initiating or maintaining a lawsuit.

(b) In addition to any other court costs, filing fees, or procedures, an inmate initiating a state civil action shall pay a three-dollar (\$3) filing fee to the Department.

(1) Civil actions are defined as any non-criminal actions. For the purposes of this regulation, habeas corpus actions are not considered civil actions.

(2) The filing fee shall be charged against the inmate's trust account.

(3) If the inmate is without sufficient funds at the time of the charge, the civil action shall be allowed to be transmitted to the courts, and the inmate shall not be charged for any remaining balance of the filing fee.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 5054 and 2601, Penal Code.

## HISTORY:

1. Amendment of section heading and text and new Note filed 10-19-93; operative 11-18-93 (Register 93, No. 43).
2. Newly designated subsection (a), new subsections (b)-(b)(2) and amendment of Note filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
3. Reinstatement of section as it existed prior to emergency amendment filed 7-25-95 by operation of Government Code section 11346.1(f) (Register 95, No. 30).
4. New emergency amendment filed 7-25-95; operative 7-25-95 (Register 95, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-22-95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-25-95 order transmitted to OAL 9-7-95 and filed 10-16-95 (Register 95, No. 42).

## 3161. Inmate-Owned Legal Materials.

Inmate-owned legal materials/documents, law books and papers shall be limited to the availability of space authorized by section 3190(b) for personal property in the inmate's quarters/living area except as specified in this section. Inmates may possess up to one cubic foot of legal materials/documents related to their active cases, in excess of the six cubic feet of allowable property in their assigned quarters/living area. Legal materials/documents, law books and papers in excess of this limitation shall be disposed of pursuant to section 3191(c). Inmates may request the institution/facility store excess legal materials/documents related to their active cases(s) when such materials/documents exceed this one cubic foot additional allowance. Inmate-owned law books in excess of the additional allowance shall not be stored by the institution/facility.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

## HISTORY:

1. Amendment of section heading and text and new Note filed 10-19-93; operative 11-18-93 (Register 93, No. 43).

Register 82, No. 41).

## 3164. Administrative Segregation.

(a) Inmates confined in administrative segregation for any reasons will not be limited in their access to the courts.

(b) During a period of disciplinary detention, as described in Section 3330, legal resources may be limited to pencil and paper which will be provided upon request for correspondence with an attorney or the preparation of legal documents for the courts. Other legal material in the inmate's personal property may be issued to

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an inmate in disciplinary detention if litigation was in progress before the inmate's placement in disciplinary detention and legal due dates are imminent.

(c) Inmates who are housed in any restricted unit and who are not serving a period of disciplinary detention may possess and have access to any legal resource material available to the general population and may assist each other in their legal work to the extent compatible with institution security. For the purpose of this subsection, restricted units include reception centers, institution reception or orientation units, controlled housing and security housing units.

(d) If an inmate's housing restricts him or her from going to the inmate law library, arrangements will be made to deliver requested and available law library material to the inmate's quarters.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

## HISTORY:

1. Amendment filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).